

DRAFT AGENDA

ENVIRONMENTAL QUALITY COUNCIL

State Capitol, Room 102
January 14 -15, 2004

NOTE: **AGENDA ITEM TIMES ARE APPROXIMATE -- SOME ITEMS MAY TAKE MORE OR LESS TIME THAN IS ALLOTTED.**

Tuesday, January 13, 2004

Subcommittee Meetings -- please see the subcommittee agendas for meeting times and locations.

Wednesday, January 14, 2004

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| 8:00 a.m. | I. | Call to Order - Roll Call - Adoption of EQC Minutes - Senator McNutt, Chair |
| 8:05 a.m. | II. | Administrative Matters |
| 8:15 a.m. | III. | Public Comment on any matter not contained in this agenda and that is within the jurisdiction of the EQC. |
| 8:45 a.m. | IV. | Subcommittee Updates (30 min.)
1. Agency Oversight Subcommittee (15 min.)
2. Energy Subcommittee (15 min.) |
| 9:15 a.m. | V. | Update on Water Policy Activities and Meetings (15 min)
1. Water Policy CLE -- October 16-17
2. Montana Watershed Symposium -- December 8-9
3. Water Adjudication Advisory Council -- October 23 and January 7 |
| 9:30 a.m. | VI. | HJR 4 (5.5 hrs)
1. Review statutes and water policies from other Western states (15 min.)
-- Instructions to staff on further action |
| 9:45 a.m. | | 2. Status of supply and distribution of water in Montana (45 min.)
-- Rich Moy, DNRC
-- Instructions to staff on further action |
- (O V E R)**

10:30 a.m. **BREAK**

10:45 a.m. 3. Supply and distribution of water and the relationship with federal policies and programs. (30 min.)

- Rich Moy, DNRC
- Bureau of Reclamation (invited)
- Instructions to staff on further action

11:15 a.m.

4. Review and evaluate the water storage policy contained in 85-1-703, MCA (15 min.)

-- Instructions to staff on further action

11:30 a.m.

5. Federal Reserved Water Rights (30 min.)

- Susan Cottingham, Montana Reserved Water Rights Compact Commission
- Current Status
- Relationship with the adjudication process
- Instructions to staff on further action

12:00 p.m. **LUNCH**

1:00 p.m.

6. DNRC/EQC Water Rights Handbook (15 min.)

- Review/discuss draft
- Instructions on further action

1:15 p.m.	7.	Feedback form on Internet (30 min.)
		-- Review of use of site
		-- Discussion on dissemination of information to EQC
		-- Instructions on further action

1:45 p.m.

8. Enforcement of Montana Water Court Decrees (1 hr.)

- Colleen Coyle, Water Master, Montana Water Court
- Jim Gilman, Adjudication Project Manager, DNRC
- Instructions to staff on further action

2:45 p.m. BREAK

3:00 p.m.

9. Accuracy in the water adjudication process

A. PANEL (1.75 hrs.)

-- Candace West, Montana Attorney General's Office [On Motion Position]

-- John Bloomquist, Attorney [Current Process Position]

- Steve Brown, Attorney [Institutional Objector Position]
- Bob Goffena, Water User [Water User Position]
- B. Summary of Montana Water Court Advisory Committee Accuracy Subcommittee Work (15 min.)
- Candace West, MT Attorney General's Office
- C. Instructions to staff on further action

5:00 p.m. **Recess until 1/15/04**

Thursday, January 15, 2004

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| 8:00 a.m. | VII. Reconvene EQC Meeting |
| 8:05 a.m. | VIII. Update on TMDL program Art Compton, DEQ (15 min.) |
| | 1. Discussion on statutory requirement of watershed involvement and the modeling approach |
| | -- Instructions to staff on further action |
| | 2. Developments in court cases |
| 8:20 a.m. | IX. Coal Bed Methane Issues (3 hr. 15 min.) |
| | 1. Review and discuss water policy report from 2001-2002 interim (15 min.) |
| 8:35 a.m. | 2. Review primary issues in litigation related to CBM development (25 min.) |
| | -- Discuss case digest material sent in mailing |
| 9:00 a.m. | 3. Discuss the correlation between TMDLs and CBM (30 min.) |
| | -- Art Compton, DEQ |
| 9:30 a.m. | 4. Board of Oil and Gas Update (30 min.) |
| | -- Tom Richmond, BOG |
| | -- Number of wells permitted and CBM Activity |
| | -- Other BOG activities related to CBM |
| 10:00 a.m. | BREAK |
| 10:15 a.m. | 5. Montana/Wyoming Issues Panel Discussion (1 hr. 15 min.) |
| | -- Jan Sensibaugh, Director, DEQ |
- (O V E R)**

- Tom Richmond, BOG
- Mark Fix, Northern Plains Resource Council
- Fidelity Exploration and Production

11:30 a.m. 6. Instructions to staff on further action regarding CBM issues.
(15 min.)

11:45 p.m. **LUNCH**

1:00 p.m. X. **Environmental Public Health Tracking Project (1 hr.)**
 1. Montana grant effort - Environmental Indicators -
 -- Dr. Michael Spence - DPHHS - project introduction
 -- Dr. Kammy Johnson - CDC/DPHHS

2:00 p.m. 2. Cooperating agencies (30 min.)
 -- Tom Ellerhoff - DEQ
 -- Jim Hill - NRIS
 -- Steve Baril -- Mont. Dept. of Agriculture

2:30 p.m. XI. **Metal Mine legislation since 2000 LFC Mine Bonding Report -**
 staff (20 min.)

3:00 p.m. **BREAK**

3:15 p.m. XII. **Metal Mine Bonding Process in Montana (1.25 hr)**
 1. Panel Discussion - How Does it Work? Problems/Process
 -- Warren McCullough, DEQ - the bonding process
 -- Bruce Gilbert, Stillwater mine - the bonding process
 -- Mark Etchart, Browning, Kaleczyc, Berry and Hoven --
 bonding and surety company perspectives
 -- Bonnie Gestring, Mineral Policy Center - public interest
 perspectives

4:30 p.m. XIII. **Other Business**

4:40 p.m. XIV. **Instructions to Staff - future meetings**

4:45 p.m. **ADJOURN**